

Remarks

Applicant respectfully requests entry of the amendments and timely notice of allowance.

The Examiner indicated in the Office Action Summary that claims 21-37 are pending in the application. Applicant notes that claims 18-37 are pending, and, of these, claims 18-20 have been withdrawn from consideration. See Response to Second Restriction Requirement, June 8, 2005.

The Examiner noted that claims 31 and 35 were allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. (See Office Action, page 4). There is no rejection under 35 U.S.C. § 112 in the Office Action. Accordingly, Applicant concludes that the subject matter of claims 31 and 35 are allowable.

Applicant has amended the claims so that claims 27 and 32 contain the allowable subject matter. Claim 27 has been amended by inserting the language of dependent claims 28, 29, and 31. Claim 32 has been amended by inserting the language of dependent claims 34 and 35. The language of dependent claim 35 was also rewritten to recite "wherein at least one of said first, second, third and fourth termination points is at a different longitudinal distance from said catheter body proximal end region as the other termination points." Support for this amendment can be found in the specification as a whole and at, for example, paragraph 96 at page 26 (in "a catheter employing a plurality of actuating lumens, each lumen may be arranged to terminate at different points along the length of the catheter"). Applicant submits that claims 27 and 32 are now in condition for allowance.

New claims 38-47 have been added, wherein the termination points of the lumens are at different longitudinal distances or different radial locations. Claims 38-47 depend from allowable independent claims 27 and 32. Support for these new claims can be found in the specification as a whole and at, for example, paragraph 96 at page 26. Applicant submits that claims 38-47 are in condition for allowance.

No new matter enters by these amendments.

Rejection under 35 U.S.C. § 102(b)

Claims 21, 23-30, 32, 33, 36 and 37 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Burns.

Claims 21, 23-26, 28-30, 33, 36 and 37 have been canceled without prejudice or disclaimer. Applicant has amended claim 27 to incorporate the limitations of claim 31 and all intervening claims, which is allowable subject matter.

Applicant respectfully requests withdrawal of this rejection.

Rejections under 35 U.S.C. § 103(a)

Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Burns in view of Jacobs, and claim 34 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Burns in view of Lia. Claims 22 and 34 have been canceled without prejudice or disclaimer.

Applicant respectfully requests withdrawal of this rejection.

The application is in condition for allowance. Timely notification of allowability is requested.


If there are any additional fees due with the filing of this document, including fees for the net addition of claims, applicants respectfully request that any and all fees be charged to Deposit Account No. 50-1129. If any extension of time request or any petition is required for the entry of this paper or any of the accompanying papers, applicants hereby petition or request the extension necessary. The undersigned authorizes any fee payment from Deposit Account No. 50-1129. Furthermore, if additional extensions of time are required to enter this amendment beyond any provided for, applicants respectfully request an

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extension and the undersigned hereby authorizes that any fees be taken from Deposit Account No. 50-1129.

Respectfully submitted,
Wiley Rein & Fielding LLP

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